

re-printed or imported from any foreign kingdom or state, any such book or books, without the consent of the proprietor or proprietors thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed without the consent of the proprietor or proprietors, shall sell, publish or expose to sale, or cause to be sold, published or exposed to sale, any such book or books, without such consent first had and obtained in writing, as aforesaid; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the proprietor or proprietors of the copy or copies of such book or books, who shall forthwith make waste paper of the same.

And be it enacted, That every such offender or offenders shall forfeit the sum of

for every sheet which shall be found in his or their possession, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the author or authors of such book or books, or the proprietor or proprietors thereof, and the other moiety to any person or persons who shall sue for the same, to be recovered in any court of record in the United States. PROVIDED NEVERTHELESS, That no person shall be entitled to the benefit of this act until he shall register the title or titles of such book or books with the

and shall have procured a certificate of such registry from the said

which certificate is hereby required to be given by the said

a copy whereof shall be inserted by the author or authors, or their assignees, of said book or books, in one newspaper at least, published and most generally circulated within each of the United States.

PROVIDED ALSO, that if the said

for the time being, shall refuse or neglect to register or make entry, or to give a certificate, enjoined by this act, being thereunto required by the author or proprietor of such book or books, or copy or copies thereof, in the presence of two or more credible witnesses, that then the author or proprietor of such book or books, copy or copies thereof, on giving notice of such refusal or neglect, by advertisement published in

for weeks, shall be entitled to and have equal benefit as if such registry, entry and certificate had been obtained in manner before directed by this act. And the said

neglecting or refusing, shall forfeit for every neglect or refusal to make entry, register and to give certificate to the author or proprietor of such book or books, copy or copies thereof, the sum of

pounds to be recovered in any court of

record of the United States. PROVIDED, That nothing in this act contained, shall extend or be construed to extend to prohibit the importation, re-printing or selling any books within these United States, which have been written or printed in foreign parts or places without the jurisdiction of these United States. AND PROVIDED ALWAYS, That after the expiration of the said term of fourteen years, the sole right of printing and of disposing of copies of such books, shall return to the author or authors of such books, if they are living, for another term of fourteen years.

And be it further enacted, That upon the petition of any person or persons to

setting forth that he, she, or they, hath or have invented or discovered any new art, manufacture, engine, machine, invention or device, or any improvement upon, or in some art, manufacture, engine, machine, invention or device, not before known or used, it shall and may be lawful for the said

to direct an advertisement to be inserted, at the costs and charges of the petitioner in some two of the public papers.

For the term of weeks, and at least in each week, giving notice of such application, and containing a short and general definition of the invention or discovery, requiring all persons concerned to appear before the said

at a certain day and place in the said advertisement to be inserted, not less than days, nor more than

days next following, to show cause why letters patent under the great seal of the United States, should not issue, granting to such petitioner or petitioners the sole and exclusive right, liberty and privilege of making, constructing, using and vending to others, the inventions, discoveries, or improvements aforesaid. And if at the day and place so indicated, sufficient cause shall not be shown to the contrary, it shall be held, lawful to and for the said

and hereby required to cause letters patent to be made out in the name of the United States, to bear teste by

resciting the allegations and suggestions in the said petition contained, and thereupon granting to such petitioner or petitioners, his, her, or their executors, administrators or assigns, for the term of years, the sole and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or inventions, discovery or discoveries, so to be described in short and general terms; which letters patent shall be delivered to

to be examined, who shall, within days next after the delivery to him, certify at the foot thereof,

that he hath examined the same, and whether it is also conformable to this act, and shall return the same to the

and if the same shall be so certified to be conformable to this act, and shall return the same to the

and if the same shall be so certified to be conformable to this act, then the said

shall sign the same, and cause the great seal of the United States to be thereto affixed, and the said letters to be made patent, and the same shall be good and available to the grantee or grantees by force of this act, to all and every intent and purposes herein contained.

And it is hereby further enacted, that the grantee or grantees of each patent shall within one calendar month, next after the sealing and delivery to him or them of each patent, deliver to the

a specification in writing, containing a perfect and exact description, accompanied with drafts and explanations (if the subject matter of such inventions and discoveries shall require the same in order to be understood) of the thing or things by him or them invented or discovered, and generally described as aforesaid in the said patents; which specifications shall be so particular as not only to distinguish the invention from other things before known, but also enable

a workman or other person skilled in the art, science or manufacture whereof it is a branch, or wherewith it may be nearest connected, to make, construct, or use the same, to the end that the public may have the full benefit thereof after the expiration of the patent term; which specification shall be filed in the office of the said

and certified copies thereof shall be competent evidence in all courts, and before all jurisdictions, where any matter or thing touching or concerning such patent, right or privilege shall come in question.

And it is hereby further enacted, that if upon the notice, so as aforesaid given, any other person or persons shall appear before the said

and shall show cause as to

shall appear reasonable, ~~why~~ letters patent, in manner aforesaid, should not issue to the party petitioning for the same, then and in such case the said

shall refer the petition aforesaid, and the parties contending, to the chief justice, and one other justice of the supreme court, who or any two of them shall be hear the same; and if upon a hearing of the said parties shall be to them that the thing or things for which a patent is prayed

be. are, before the application to the said

used by or known to others than the petitioners, or those who de-

derived their knowledge thereof from or under him or them, they shall certify the same accordingly, and such certificate shall be deemed a sufficient cause to stay the issuing of such letters patent. And if the said

shall require each and every of them to deliver to them such specification of their several inventions or discoveries, as are herein above mentioned, signed with their hands; and upon comparing the same the said justices shall determine and adjudge whether they are the same, both in principle and execution, or whether they differ from each other in any material circumstance; and if they be found so to differ, the said

shall certify each of them severally with their specifications to the said

to the end that such patents as aforesaid may issue, and the said

hereby required to cause such patents to be made out, proceeded upon and perfected, in the manner herein before mentioned, to each and every of the said parties. And if upon such specifications the inventions or discoveries, aforesaid, claimed by two or more parties, shall appear to be substantially the same, both in principle and execution, then the said

shall enquire into the priority of the said inventions or discoveries, and if either of the said parties shall so request, they shall issue their precept

to the effect of

directed, commanding to cause to come before them, at a day and place in the present to be mentioned, twelve good and lawful men of

who shall be indifferent and unconnected with the parties or either of them, as well as the subject matter in dispute, in which, for the determination thereof, they shall have no immediate interest, and upon the oath or affirmations of the said twelve men, shall enquire which of the said parties claiming the said invention or discovery was the first and true inventor or discoverer thereof, and shall take their verdict, and certify the same together with the names of the jurors, and the said petition or petitions, and the specifications to the said

who hereby required to cause a patent to him in that he shall be so found to be the first and true inventor or inventors, discoverer or discoverers, to be made out, proceeded upon, and perfected in manner aforesaid, and the proceedings before the said

to the course of

shall be had according

and the costs thereof shall be paid by him or them against whom the verdict shall be found, and execution shall be awarded and issued under the hand and seal of

for the recovery thereof as in the

count in other cases is accustomed for the recovery of costs.

And it is hereby further enacted: That no person or persons shall devise, make, construct, use, employ, vend, or import from any foreign kingdom or state, any art, manufacture, engine, machine or device, or any invention or improvement upon, or in any art, manufacture, engine, machine or device, the sole and exclusive right of which shall be so as aforesaid granted by patent to any person or persons by virtue and in pursuance of this act, without the consent of the patentee or patentees, their heirs, executors, administrators or assigns, first had and obtained, every person so offending, shall forfeit and pay to the said patentee or patentees, his, her, or their executors, administrators, or assigns, the sum of

over and besides the full value of the thing or things so devised, made, constructed, used, employed, vendid or imported contrary to the true intent of this act, to be recovered in

court of record

having competent jurisdiction, by action of debt, bill, plaint or information, wherein no probation or wager of law, nor more than one imparlance shall be allowed. AND WHEREAS, Notwithstanding the provisions in this act contained, patents or grants of the sole and exclusive right

and privilege of devising, making, constructing, using, employing, and vending to others diverse inventions or discoveries, may be obtained surreptitiously or upon false suggestions, which may not only be prejudicial to individuals, but to the community - Be it therefore further enacted, That upon oath or affirmation made before

court, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously by, or upon false suggestion, and motion made to the said

court, within one year after issuing the said patent, but not afterwards, it shall and may be lawful to and for

of the said court, if the matter alleged shall appear to them to be sufficient to grant a rule that the patentee or patentees, his, her or their executors, administrators or assigns, shew cause why process should not issue against him, her, or them, to repeal such patents; and if sufficient cause shall not be shewn to the contrary, the rule shall be made absolute; and thereupon shall issue and be awarded and issued against the said patentee or patentees, his, her or their executors, administrators or assigns, process in the name of him, her, or them, who shall complain thereof, and upon such writ, the proceedings and judgment shall be such as to repeal the patents; and if the party at whose complaint the process issued shall have judgment given against

him, he shall pay all such costs as the defendant shall be put to in defending the suit, to be taxed by the court, and recovered in such manner as costs expended by defendants shall be recovered in due course of law.

And be it further enacted, That in all actions to be brought by such patentees or patentees, his, her, or their executors, administrators or assigns, for any penalty incurred by virtue of this act, the said patents or specifications, or certified office copies thereof, shall be prima facie evidence that the said patentee or patentees, was or were the first and true inventor or inventors, discoverer or discoverers of the thing so specified, and that the same is truly specified; but that nevertheless the defendant or defendants may plead the general issue, and give this act, and any special matter, whereof notice in writing hath been given to the plaintiff or his attorney, thirty days before the trial, in evidence, tending to prove that the specification filed by the plaintiff within thirty days after the delivery of his patent, does not contain the whole of the truth concerning his invention or discovery; or that it contains more than is necessary to produce the effect described; and if the action. -or the addition

of more than is necessary, shall appear to have been
" to mislead, or shall actually mislead the public,
so as that the effect described cannot be produced by the means specified, then, and in such cases, the verdict and

judgment shall be for the defendant, any thing in this act contained to the contrary notwithstanding.

And be it further enacted, That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employed in making out and perfecting the same, to wit:

To the person who shall make out such patents,
To the person who shall examine and certify the same,
To the

to whom shall be

referred any petition and caveat for examining the same, and certifying their opinions thereon,

And for each day after the first on which they shall sit for hearing the parties, and further examining into the merits of their claims, to be taxed with the bill of costs, and received by him in whose favor, from the person against whom judgment or verdict shall be given,

To the clerk, by the same justices to be appointed, when process is necessary, the same fees as the prothonotary of the supreme court, for the same services and attendance.

To the sheriff, for summoning the jury, and attendance, the same fees as for the like services in the supreme court,

To the person who shall receive and file the petition, making out the advertisement, receiving and filing notification, and making out a certified office

copy thereof for the patentee, affixing the great seal thereto, and to the patent, and indorsing the day of delivering the same to the patentee, including all intermediate services which may be necessary.

X
A BILL to promote the Progress of SCIENCE and USEFUL ARTS, by securing to AUTHORS and INVENTORS the exclusive Right to their respective WRITINGS and INVENTIONS. 1789..

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, That, from

and after the day of the
author or authors of any book or books, already printed within
these United States, being a citizen or citizens of said States,
or any of them, or resident within the same, who hath or have
not transferred to any other person or persons, the copy or
copies of such book or books, share or shares thereof - And the
bookseller or book-sellers, printer or printers, or other
person or persons who hath or have purchased or acquired the
copy or copies of any book or books in order to print or
re-print the same, shall have the sole right and liberty of
such book or books, or the copy or copies of such book or
books, for the term of fourteen years, and no longer. And
that the author or authors of any book or books, already
composed and not printed or published, or that shall here-
after be composed, and his or their assigns or assigns
shall have the sole liberty of printing and re-printing such
book or books for the term of fourteen years, to commence
from the day of the first publishing of the same, and no
longer. And that if any other book-seller or printer, or
any other person whatever, from after the day
of

within the terms granted and limited by this act, as aforesaid,
shall print, re-print or import, or cause to be printed,